

SENTENCING



FAX

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Prior Criminal History Scores in Maryland Circuit Courts, January 1999 - June 2002

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In Maryland's sentencing guidelines system, the offender score is calculated to measure an offender's prior criminal history for use in the three offense sentencing matrices (person, drug, property). This summary score ranges from 0 to 9 and is comprised of four primary components: *relationship to criminal justice system (CJS) when instant offense occurred; juvenile delinquency; prior adult criminal record; and prior adult criminal justice violation.* Overall, person offenders have slightly lower offender scores on average (2.2), relative to drug (2.9) and property offenders (2.7).

Relationship to criminal justice system when instant offense occurred indicates whether or not the offender was on parole, probation, incarcerated, on work release, mandatory supervision, escape, or comparable status at the time the offense was committed. An offender is not considered to be in the CJS if the offender was on unsupervised probation and the underlying offense was not punishable by imprisonment. As shown in Table 1, percentages for the two options of the relationship component do not differ by more than five percentage points within each crime category.

Table 1. — Percentage Breakdown by Crime Type

Relationship to CJS	Pts.	Person	Drug	Property
None or Pending Cases	0	75%	70%	72%
Court or Other CJ Supervision	1	25%	30%	28%

Juvenile delinquency is scored as "0" for offenders 23 years old and older (exceptions are listed on the table). Commitments refer to a court transferring legal custody to the Maryland Department of Juvenile Justice or comparable commitment to another federal or state authority. Suspended juvenile commitments are counted as findings of a delinquent act. Similar to Table 1, Table 2 shows comparable percentage points between crime categories.

Table 2. — Percentage Breakdown by Crime Type

Juvenile Delinquency	Pts.	Person	Drug	Property
23 Years or Older <u>OR</u> Crime-Free for 5 Years <u>OR</u> < 2 Delinquent Findings	0	90%	95%	92%
< 23 Years or Older <u>AND</u> 2+ Delinquent Findings <u>OR</u> 1 Commitment	1	7%	4%	5%
< 23 Years or Older <u>AND</u> 2+ Commitments	2	3%	1%	3%

Prior adult criminal record includes all adjudications of guilt preceding the current sentencing event, whether the offense was committed before or after the instant one. Violations which may not be considered include: public local law violations, municipal infractions, contempt, criminal non-support, and non-incarcerable traffic offenses. The Prior Adult Criminal Record Matrix is consulted to determine whether this component should be scored as minor, major, or moderate. This matrix is available on the MSCCSP website. Unlike Table 1 and 2, Table 3 has a greater amount of variation between percentage points in crime categories. Person offenders were more likely to have *no prior adult criminal record* (41%), compared with drug (28%) and property offenders (32%).

Table 3. — Percentage Breakdown by Crime Type

Prior Criminal Record	Pts.	Person	Drug	Property
None	0	41%	28%	32%
Minor	1	23%	23%	23%
Moderate	3	20%	22%	22%
Major	5	16%	27%	23%

Prior adult parole/probation violation is scored as "0" if the offender has never been on adult parole, probation or equivalent supervisory status, or has successfully completed previous periods of supervision as an adult. The offender receives a score of "1" if he/she was ever adjudicated in violation parole or probation OR was convicted of an offense while on parole or probation (with the exception of the instant offense). The offender does not receive a point simply for being on parole or probation at the time of the instant offense. Table 4 shows that person offenders had a smaller percentage of prior adult parole/probation violations (21%) compared with drug (26%) and property offenders (28%).

Table 4. — Percentage Breakdown by Crime Type

Prior P/P Violation	Pts.	Person	Drug	Property
No	0	75%	70%	72%
Yes	1	25%	30%	28%

The Maryland State Commission on Criminal Sentencing Policy (SCCSP) collects and reports data on sentencing practices in the State's circuit courts. "Sentencing Fax" periodically publishes information about Maryland sentencing for state courts and policy makers. Its full collection of research, data, and reports can be found on its website, www.msccsp.org.